

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

vs.

Criminal No. 18-101-01

MEHDI NIKPARVAR-FARD a/k/a MEHDI
ARMANI

DEFENDANT NIKPARVAR-FARD'S SECOND MOTION TO COMPEL DISCOVERY

Defendant, Mehdi Nikparvar-Fard a/k/a Mehdi Armani, through his undersigned counsel, respectfully moves to the Court to compel the Government to produce the Prescription Drug Monitoring Program ("PDMP") data for its expert witness, Dr. Stephen Thomas. Dr. Nikpavar-Fard previously has requested that the Government provide this information. The Government has indicated that, in its view, the information is not relevant or discoverable and, therefore, will not provide it.

Federal Rule of Criminal Procedure 16(a)(1)(E) requires the Government to produce all items that are material to preparing the defense and that the Government intends to use in its case-in-chief at trial. Dr. Thomas's PDMP data is material to preparing Dr. Nikpavar-Fard's defense. The Government seeks to prove, through Dr. Thomas's testimony, that Dr. Nikpavar-Fard's prescribing of controlled substances was illegal. Thus, Dr. Thomas's familiarity with actually prescribing controlled substances is relevant. Indeed, in other cases, the Government has used the PDMP data during its cross examination of defense experts for this very same purpose. *See United States v. Titus*, Cross Examination of Dr. Warfield on July 19, 2021 (Case No. 18/45-RGA, D. Del.). The defense should have the same access to Dr. Thomas's PDMP data that the Government has to defense experts. Therefore, the PDMP data of Dr. Thomas is material to Dr. Nikparvar-Fard's defense preparation.

Dated: November 29, 2022

Respectfully submitted,

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